

1 AMENDMENT TO HOUSE BILL 3708

2 AMENDMENT NO. _____. Amend House Bill 3708, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Regulatory Sunset Act is amended by
6 changing Section 4.13 and adding Section 4.23 as follows:

7 (5 ILCS 80/4.13) (from Ch. 127, par. 1904.13)

8 Sec. 4.13. Acts repealed on December 31, 2002. The
9 following Acts are repealed on December 31, 2002:

10 The Environmental Health Practitioner Licensing Act.

11 The Naprapathic Practice Act.

12 The Wholesale Drug Distribution Licensing Act.

13 ~~The Dietetic and Nutrition Practice Act.~~

14 The Funeral Directors and Embalmers Licensing Code.

15 The Professional Counselor and Clinical Professional
16 Counselor Licensing Act.

17 (Source: P.A. 88-45; 89-61, eff. 6-30-95; revised 8-22-01.)

18 (5 ILCS 80/4.23 new)

19 Sec. 4.23. Act repealed on January 1, 2013. The
20 following Act is repealed on January 1, 2013:

21 The Dietetic and Nutrition Services Practice Act.

1 Section 10. The Dietetic and Nutrition Services
 2 Practice Act is amended by changing Sections 10, 15, 15.5,
 3 20, 30, 40, 45, 65, 70, 75, 80, and 95 and adding Section 56
 4 as follows:

5 (225 ILCS 30/10) (from Ch. 111, par. 8401-10)

6 (Section scheduled to be repealed on December 31, 2002)

7 Sec. 10. Definitions. As used in this Act:

8 "Board" means the Dietitian Nutritionist Dietetic--and
 9 Nutrition-Services Practice Board appointed by the Director.

10 "Department" means the Department of Professional
 11 Regulation.

12 "Dietetics" means the integration and application of
 13 principles derived from the sciences of food and nutrition to
 14 provide for all aspects of nutrition care for individuals and
 15 groups, including, but not limited to nutrition services and
 16 medical nutrition therapy care as defined in this Act.

17 "Director" means the Director of the Department of
 18 Professional Regulation.

19 ~~"Licensed-dietitian"--means--a--person--licensed---under~~
 20 ~~Section-45-of-this-Act-to-practice-dietetics.-Activities-of-a~~
 21 ~~licensed-dietitian--do--not-include-the-medical-differential~~
 22 ~~diagnoses-of-the-health-status-of-an-individual.~~

23 ~~"Licensed-nutrition-counselor"--means--a--person--licensed~~
 24 ~~under--Section--50--of--this--Act--to--provide--any-aspect-of~~
 25 ~~nutrition-services-as-defined-in-this-Act.-Activities--of--a~~
 26 ~~licensed-nutrition-counselor-do-not-include-medical-nutrition~~
 27 ~~care--as--defined--in--this--Act--or-the-medical-differential~~
 28 ~~diagnoses-of-the-health-status-of-an-individual.~~

29 "Licensed dietitian nutritionist" means a person licensed
 30 under this Act to practice dietetics and nutrition services,
 31 including medical nutrition therapy. Activities of a
 32 licensed dietitian nutritionist do not include the medical
 33 differential diagnosis of the health status of an individual.

1 "Medical nutrition therapy care" means the component of
2 nutrition care that deals with:

3 (a) interpreting and recommending nutrient needs
4 relative to medically prescribed diets, including, but
5 not limited to tube feedings, specialized intravenous
6 solutions, and specialized oral feedings;

7 (b) food and prescription drug interactions; and

8 (c) developing and managing food service operations
9 whose chief function is nutrition care and provision of
10 medically prescribed diets.

11 "Medically prescribed diet" means a diet prescribed when
12 specific food or nutrient levels need to be monitored,
13 altered, or both as a component of a treatment program for an
14 individual whose health status is impaired or at risk due to
15 disease, injury, or surgery and may only be performed as
16 initiated by or in consultation with a physician licensed to
17 practice medicine in all of its branches.

18 "Nutrition assessment" means the evaluation of the
19 nutrition needs of individuals or groups using appropriate
20 data to determine nutrient needs or status and make
21 appropriate nutrition recommendations.

22 "Nutrition counseling" means advising and assisting
23 individuals or groups on appropriate nutrition intake by
24 integrating information from the nutrition assessment.

25 "Nutrition services for individuals and groups" shall
26 include, but is not limited to, all of the following;

27 (a) Providing nutrition assessments relative to
28 preventive maintenance or restorative care.

29 (b) Providing nutrition education and nutrition
30 counseling as components of preventive maintenance or
31 restorative care.

32 (c) Developing and managing systems whose chief
33 function is nutrition care. Nutrition services for
34 individuals and groups does not include medical nutrition

1 therapy care as defined in this Act.

2 "Practice experience" means a preprofessional,
3 documented, supervised practice in dietetics or nutrition
4 services that is acceptable to the Department in compliance
5 with requirements for licensure, as specified in Sections 45
6 and 50. It may be or may include a documented, supervised
7 practice experience which is a component of the educational
8 requirements for licensure, as specified in Section 45 or 50.

9 "Registered dietitian" means an individual registered
10 with the Commission on Dietetic Registration, the accrediting
11 body for the American Dietetic Association.

12 "Restorative" means the component of nutrition care that
13 deals with oral dietary needs for individuals and groups.
14 Activities shall relate to the metabolism of food and the
15 requirements for nutrients, including dietary supplements for
16 growth, development, maintenance, or attainment of optimal
17 health.

18 (Source: P.A. 87-784; 87-1000.)

19 (225 ILCS 30/15) (from Ch. 111, par. 8401-15)

20 (Section scheduled to be repealed on December 31, 2002)

21 Sec. 15. License required.

22 (a) No person may engage for remuneration in nutrition
23 services practice or hold himself or herself out as a
24 licensed dietitian nutritionist nutrition-counselor unless
25 the person is licensed in accordance with this Act or meets
26 one or more of the following criteria:

27 (1) The person is licensed in this State under any
28 other Act that authorizes the person to provide these
29 services.

30 (2) The person is licensed to practice nutrition
31 under the law of another state, territory of the United
32 States, or country and has applied in writing to the
33 Department in form and substance satisfactory to the

1 Department for a license as a dietitian nutritionist
2 until (i) the expiration of 6 months after filing the
3 written application, (ii) the withdrawal of the
4 application, or (iii) the denial of the application by
5 the Department.

6 (b) No person shall practice dietetics, as defined in
7 this Act, or hold himself or herself out as a licensed
8 dietitian nutritionist unless that person is so licensed
9 under this Act or meets one or more of the following
10 criteria:

11 (1) The person is licensed in this State under any
12 other Act that authorizes the person to provide these
13 services.

14 (2) The person is a dietary technical support
15 person, working in a hospital setting or a regulated
16 Department of Public Health or Department on Aging
17 facility or program, who has been trained and is
18 supervised while engaged in the practice of dietetics by
19 a licensed dietitian nutritionist in accordance with this
20 Act and whose services are retained by that facility or
21 program on a full time or regular, ongoing consultant
22 basis.

23 (3) The person is a-dietitian licensed to practice
24 dietetics under the law of another state, territory of
25 the United States, or country, or is a registered
26 dietitian, who has applied in writing to the Department
27 in form and substance satisfactory to the Department for
28 a license as a dietitian nutritionist until (i) the
29 expiration of 6 months after the filing the written
30 application, (ii) the withdrawal of the application, or
31 (iii) the denial of the application by the Department.

32 (c) No person shall practice dietetics or nutrition
33 services, as defined in this Act, or hold himself or herself
34 out as a licensed dietitian nutritionist, a dietitian, a

1 nutritionist, or a nutrition counselor unless the person is
2 licensed in accordance with this Act.

3 (Source: P.A. 89-474, eff. 6-18-96.)

4 (225 ILCS 30/15.5)

5 (Section scheduled to be repealed on December 31, 2002)

6 Sec. 15.5. Unlicensed practice; violation; civil
7 penalty.

8 (a) Any person who practices, offers to practice,
9 attempts to practice, or holds oneself out to practice
10 dietetics or nutrition services ~~eounseling~~ without being
11 licensed under this Act shall, in addition to any other
12 penalty provided by law, pay a civil penalty to the
13 Department in an amount not to exceed \$5,000 for each offense
14 as determined by the Department. The civil penalty shall be
15 assessed by the Department after a hearing is held in
16 accordance with the provisions set forth in this Act
17 regarding the provision of a hearing for the discipline of a
18 licensee.

19 (b) The Department has the authority and power to
20 investigate any and all unlicensed activity.

21 (c) The civil penalty shall be paid within 60 days after
22 the effective date of the order imposing the civil penalty.
23 The order shall constitute a judgment and may be filed and
24 execution had thereon in the same manner as any judgment from
25 any court of record.

26 (Source: P.A. 89-474, eff. 6-18-96.)

27 (225 ILCS 30/20) (from Ch. 111, par. 8401-20)

28 (Section scheduled to be repealed on December 31, 2002)

29 Sec. 20. Exemptions. This Act does not prohibit or
30 restrict:

31 (a) Any person licensed in this State under any other
32 Act from engaging in the practice for which he or she is

1 licensed.

2 (b) The practice of dietetics or nutrition services by a
3 person who is employed by the United States or State
4 government or any of its bureaus, divisions, or agencies
5 while in the discharge of the employee's official duties.

6 (c) The practice of nutrition services by a person
7 employed as a cooperative extension home economist, to the
8 extent the activities are part of his or her employment.

9 (d) The practice of nutrition services or dietetics by a
10 person pursuing a course of study leading to a degree in
11 dietetics, nutrition or an equivalent major, as authorized by
12 the Department, from a regionally accredited school or
13 program, if the activities and services constitute a part of
14 a supervised course of study and if the person is designated
15 by a title that clearly indicates the person's status as a
16 student or trainee.

17 (e) The practice of nutrition services or dietetics by a
18 person fulfilling the supervised practice experience
19 component of Sections 45 or 50, if the activities and
20 services constitute a part of the experience necessary to
21 meet the requirements of Section 45 or 50.

22 (f) A person from providing oral nutrition information
23 as an operator or employee of a health food store or business
24 that sells health products, including dietary supplements,
25 food, or food materials, or disseminating written nutrition
26 information in connection with the marketing and distribution
27 of those products.

28 (g) The practice of nutrition services by an educator
29 who is in the employ of a nonprofit organization, as
30 authorized by the Department, a federal state, county, or
31 municipal agency, or other political subdivision; an
32 elementary or secondary school; or a regionally accredited
33 institution of higher education, as long as the activities
34 and services of the educator are part of his or her

1 employment.

2 (h) The practice of nutrition services by any person who
3 provides weight control services, provided the nutrition
4 program has been reviewed by, consultation is available from,
5 and no program change can be initiated without prior approval
6 by an individual licensed under this Act, an individual
7 licensed to practice dietetics or nutrition services a
8 ~~dietitian--or--nutrition--counselor--licensed~~ in another state
9 that has licensure requirements considered by the Department
10 to be at least as stringent as the requirements for licensure
11 under this Act, or a registered dietitian.

12 (i) The practice of nutrition services or dietetics by
13 any person with a masters or doctorate degree with a major in
14 nutrition or equivalent from a regionally accredited school
15 recognized by the Department for the purpose of education and
16 research.

17 (j) Any person certified in this State and who is
18 employed by a facility or program regulated by the State of
19 Illinois from engaging in the practice for which he or she is
20 certified and authorized by the Department.

21 (k) The practice of nutrition services by a graduate of
22 a 2 year associate program or a 4 year baccalaureate program
23 from a school or program accredited at the time of graduation
24 by the appropriate accrediting agency recognized by the
25 Council on Higher Education Postsecondary Accreditation and
26 the United States Department of Education with a major in
27 human nutrition, food and nutrition or its equivalent, as
28 authorized by the Department, who is directly supervised by
29 an individual licensed under this Act.

30 (l) Providing nutrition information as an employee of a
31 nursing facility operated exclusively by and for those
32 relying upon spiritual means through prayer alone for healing
33 in accordance with the tenets and practices of a recognized
34 church or religious denomination.

1 The provisions of this Act shall not be construed to
 2 prohibit or limit any person from the free dissemination of
 3 information, from conducting a class or seminar, or from
 4 giving a speech related to nutrition if that person does not
 5 hold himself or herself out as a licensed nutrition counselor
 6 or licensed dietitian in a manner prohibited by Section 15.

7 (Source: P.A. 87-784; 87-1000.)

8 (225 ILCS 30/30) (from Ch. 111, par. 8401-30)

9 (Section scheduled to be repealed on December 31, 2002)

10 Sec. 30. Practice Board. The Director shall appoint a
 11 Dietitian Nutritionist ~~Dietetic--and--Nutrition--Services~~
 12 Practice Board as follows: 7 Seven individuals who shall be
 13 appointed by and shall serve in an advisory capacity to the
 14 Director. Of these 7 individuals, 4 members must be licensed
 15 under this Act ~~and--currently--engaged--in--the--practice--of~~
 16 ~~dietetics--or--nutrition--services--in--the--State--of--Illinois--and~~
 17 ~~must--have--been--doing--so--for--a--minimum--of--3--years,~~ 2 ~~of--whom~~
 18 ~~shall--be--licensed--dietitians--who--are--not--also--licensed--as~~
 19 ~~nutrition--counselors--under--this--Act--and--2--of--whom--shall--be~~
 20 ~~licensed--nutrition--counselors--who--are--not--also--licensed~~
 21 ~~dietitians--under--this--Act;~~ one member must be a physician
 22 licensed to practice medicine in all of its branches; one
 23 member must be a licensed professional nurse; and one member
 24 must be a public member not licensed under this Act.

25 Members shall serve 3 year terms and until their
 26 successors are appointed and qualified, except the terms of
 27 the initial appointments. ~~The--initial--appointments--shall--be~~
 28 ~~served--as--follows:--2--members--shall--be--appointed--to--serve--for~~
 29 ~~one--year,~~ 2 ~~shall--be--appointed--to--serve--for--2--years,~~ and--the
 30 ~~remaining--members--shall--be--appointed--to--serve--for--3--years--and~~
 31 ~~until--their--successors--are--appointed--and--qualified.~~ No
 32 member shall be reappointed to the Board for a term that
 33 would cause his or her continuous service on the Board to be

1 longer than 8 years. Appointments to fill vacancies shall be
 2 made in the same manner as original appointments, for the
 3 unexpired portion of the vacated term. Initial terms shall
 4 begin upon the effective date of this Act and Board members
 5 in office on that date shall be appointed to specific terms
 6 as indicated in this Section.

7 The membership of the Board shall reasonably represent
 8 all the geographic areas in this State. Any time there is a
 9 vacancy on the Board, any professional association composed
 10 of persons licensed under this Act may recommend licensees to
 11 fill the vacancy to the Board for the appointment of
 12 licensees, the organization representing the largest number
 13 of licensed physicians for the appointment of physicians to
 14 the Board, and the organization representing the largest
 15 number of licensed professional nurses for the appointment of
 16 a nurse to the Board.

17 Members of the Board shall have no liability in any
 18 action based upon any disciplinary proceeding or other
 19 activity performed in good faith as members of the Board.

20 The Director shall have the authority to remove any
 21 member of the Board from office for neglect of any duty
 22 required by law or for incompetency or unprofessional or
 23 dishonorable conduct.

24 The Director shall consider the recommendation of the
 25 Board on questions of standards of professional conduct,
 26 discipline, and qualifications of candidates or licensees
 27 under this Act.

28 (Source: P.A. 87-784; 87-1000.)

29 (225 ILCS 30/40) (from Ch. 111, par. 8401-40)

30 (Section scheduled to be repealed on December 31, 2002)

31 Sec. 40. Examinations. The Department shall authorize
 32 examinations of applicants for a license under this Act as
 33 ~~dietitians--or--nutrition--counselors~~ at the times and places

1 that it may determine. The examination of applicants shall
2 be of a character to give a fair test of the qualifications
3 of the applicant to practice dietetics and nutrition
4 services. The Department or its designated testing service
5 shall provide initial screening to determine eligibility of
6 applicants for examination.

7 Applicants for examination ~~as--dietitians-or-nutrition~~
8 ~~counselors~~ shall be required to pay, either to the Department
9 or the designated testing service, a fee covering the cost of
10 providing the examination. Failure to appear for the
11 examination on the scheduled date, at the time and place
12 specified, after the applicant's application for examination
13 has been received and acknowledged by the Department or the
14 designated testing service, shall result in the forfeiture of
15 the examination fee.

16 If an applicant neglects, fails, or refuses to take an
17 examination or fails to pass an examination for a license
18 under this Act within 3 years after filing an application,
19 the application shall be denied. However, the applicant may
20 thereafter make a new application accompanied by the required
21 fee and shall meet the requirements for licensure in force at
22 the time of making the new application.

23 The Department may employ consultants for the purpose of
24 preparing and conducting examinations.

25 (Source: P.A. 87-784; 87-1000.)

26 (225 ILCS 30/45) (from Ch. 111, par. 8401-45)

27 (Section scheduled to be repealed on December 31, 2002)

28 Sec. 45. Dietitian nutritionist; qualifications. A
29 person shall be qualified for licensure as a dietitian
30 nutritionist if that person meets all of the following
31 requirements:

32 (a) Has applied in writing in form and substance
33 acceptable to the Department and possesses a baccalaureate

1 degree or post baccalaureate degree in human nutrition, foods
2 and nutrition, dietetics, food systems management, nutrition
3 education, or an equivalent major course of study as
4 recommended by the Board and approved by the Department from
5 a school or program accredited at the time of graduation from
6 the appropriate regional accrediting agency recognized by the
7 Council on Higher Education Post-secondary Accreditation and
8 the United States Department of Education.

9 (b) Has successfully completed the examination
10 authorized by the Department which may be or may include an
11 examination given by the Commission on Dietetic Registration.

12 The Department shall establish by rule a waiver of the
13 examination requirement to applicants who, at the time of
14 application, are acknowledged to be registered dietitians by
15 the Commission on Dietetic Registration and who are in
16 compliance with other qualifications as included in the Act.

17 (c) Has completed a dietetic internship or documented,
18 supervised practice experience in dietetics and nutrition
19 services of not less than 900 hours under the supervision of
20 a registered dietitian or a licensed dietitian nutritionist,
21 a State licensed healthcare practitioner, or an individual
22 with a doctoral degree conferred by a U.S. regionally
23 accredited college or university with a major course of study
24 in human nutrition, nutrition education, food and nutrition,
25 dietetics or food systems management. Supervised practice
26 experience must be completed in the United States or its
27 territories. Supervisors who obtained their doctoral degree
28 outside the United States and its territories must have their
29 degrees validated as equivalent to the doctoral degree
30 conferred by a U.S. regionally accredited college or
31 university.

32 (Source: P.A. 87-784; 87-1000.)

(Section scheduled to be repealed on January 1, 2013)

Sec. 56. Transition. Beginning November 1, 2003, the Department shall cease to issue a license as a dietitian or a nutrition counselor. Any person holding a valid license as a dietitian or nutrition counselor prior to November 1, 2003 and having met the conditions for renewal of a license under Section 65 of this Act, shall be issued a license as a dietitian nutritionist under this Act and shall be subject to continued regulation by the Department under this Act. The Department may adopt rules to implement this Section.

(225 ILCS 30/65) (from Ch. 111, par. 8401-65)

(Section scheduled to be repealed on December 31, 2002)

Sec. 65. Expiration and renewal dates. The expiration date and renewal period for each license issued under this Act shall be set by rule.

As a condition for renewal of a license that expires on October 31, 2003, a licensed nutrition counselor shall be required to complete and submit to the Department proof of 30 hours of continuing education in dietetics or nutrition services during the 24 months preceding the expiration date of the license in accordance with rules established by the Department. A minimum of 24 hours of the required 30 hours of continuing education shall be in medical nutrition therapy, which shall include diet therapy, medical dietetics, clinical nutrition, or the equivalent, as provided by continuing education sponsors approved by the Department. The Department may adopt rules to implement this Section.

As a condition for renewal of a license, the licensee shall be required to complete 30 hours of continuing education in dietetics or nutrition services during the 24 months preceding the expiration date of the license in accordance with rules established by the Department. The continuing education shall be in courses approved by the

1 Commission on Dietetic Registration or in courses taken from
2 a sponsor approved by the Department. A sponsor shall be
3 required to file an application, meet the requirements set
4 forth in the rules of the Department, and pay the appropriate
5 fee. The requirements for continuing education may be waived,
6 in whole or in part, in cases of extreme hardship as defined
7 by rule of the Department. The Department shall provide an
8 orderly process for the reinstatement of licenses that have
9 not been renewed due to the failure to meet the continuing
10 education requirements of this Section.

11 Any person who has permitted his or her license to
12 expire or who has had his or her license on inactive status
13 may have the license restored by submitting an application to
14 the Department, meeting continuing education requirements,
15 and filing proof acceptable with the Department of fitness to
16 have the license restored, which may include sworn evidence
17 certifying to active practice in another jurisdiction
18 satisfactory to the Department and by paying the required
19 restoration fee.

20 If the person has not maintained an active practice in
21 another jurisdiction satisfactory to the Department, the
22 Department shall determine, by an evaluation program
23 established by rule, his or her fitness to resume active
24 status and may require the person to complete a period of
25 evaluated professional experience and may require successful
26 completion of a practical examination.

27 Any person, however, whose license expired while (i) in
28 Federal Service on active duty with the Armed Forces of the
29 United States, or called into service or training with the
30 State Militia, or (ii) in training or education under the
31 supervision of the United States preliminary to induction
32 into the military service may have his or her license
33 restored without paying any lapsed renewal fees if within 2
34 years after honorable termination of the service, training,

1 or education he or she furnishes the Department with
2 satisfactory evidence to the effect that he or she has been
3 so engaged and that the service, training or education has
4 been terminated.

5 (Source: P.A. 87-784; 87-1000.)

6 (225 ILCS 30/70) (from Ch. 111, par. 8401-70)

7 (Section scheduled to be repealed on December 31, 2002)

8 Sec. 70. Inactive status; restoration. Any person who
9 notifies the Department in writing on forms prescribed by the
10 Department may elect to place his or her license on an
11 inactive status and shall, subject to rules of the
12 Department, be excused from payment of renewal fees until he
13 or she notifies the Department in writing of the desires to
14 resume active status.

15 Any person requesting restoration from inactive status
16 shall be required to pay the current renewal fee, shall meet
17 continuing education requirements, and shall be required to
18 restore his or her license as provided in Section 65 of this
19 Act.

20 A person licensed under this Act ~~dietitian-or-nutrition~~
21 ~~counselor~~ whose license is on inactive status or in a
22 non-renewed status shall not engage in the practice of
23 dietetics or nutrition services in the State of Illinois or
24 use the title or advertise that he or she performs the
25 services of a licensed dietitian nutritionist ~~or--nutrition~~
26 ~~counselor~~.

27 Any person violating this Section shall be considered to
28 be practicing without a license and will be subject to the
29 disciplinary provisions of this Act.

30 (Source: P.A. 87-784; 87-1000.)

31 (225 ILCS 30/75) (from Ch. 111, par. 8401-75)

32 (Section scheduled to be repealed on December 31, 2002)

1 Sec. 75. Endorsement. The Department may license as a
2 dietitian nutritionist ~~or--nutrition---counselor~~, without
3 examination, on payment of required fee, an applicant who is
4 a dietitian, dietitian nutritionist, nutritionist, or
5 nutrition counselor licensed under the laws of another state,
6 territory, or country, if the requirements for licensure in
7 the state, territory, or country in which the applicant was
8 licensed were, at the date of his or her licensure,
9 substantially equal to the requirements of this Act.
10 (Source: P.A. 87-784; 87-1000.)

11 (225 ILCS 30/80) (from Ch. 111, par. 8401-80)

12 (Section scheduled to be repealed on December 31, 2002)

13 Sec. 80. Use of title; advertising. Only a person who is
14 issued a license as a dietitian nutritionist under this Act
15 may use the words "dietitian nutritionist", "dietitian",
16 "nutritionist", or "nutrition counselor" or the letters
17 "L.D.N." in connection with his or her name.

18 A person who meets the additional criteria for
19 registration by the Commission on Dietetic Registration for
20 the American Dietetic Association may assume or use the title
21 or designation "Registered Dietitian" or "Registered
22 Dietician" or use the letters "R.D." or any words, letters,
23 abbreviations, or insignia indicating that the person is a
24 registered dietitian.

25 Any person who meets the additional criteria for
26 certification by the Clinical Nutrition Certification Board
27 of the International and American Associations of Clinical
28 Nutritionists may assume or use the title or designation
29 "Certified Clinical Nutritionist" or use the letters "C.C.N."
30 or any words, letters, abbreviations, or insignia indicating
31 that the person is a certified clinical nutritionist.

32 Any person who meets the additional criteria for
33 certification by the Certification Board of Nutrition

1 Specialists may assume or use the title or designation
 2 "Certified Nutrition Specialist", or use the letters "C.N.S."
 3 or any words, letters, abbreviations, or insignia indicating
 4 that the person is a certified nutrition specialist.

5 A licensee shall include in every advertisement for
 6 services regulated under this Act his or her title as it
 7 appears on the license or the initials authorized under this
 8 Act.

9 (a) ~~Only a person who is issued a license as a dietitian~~
 10 ~~under this Act may use the words "licensed dietitian" or the~~
 11 ~~letters "L.D." in connection with his or her name. A person~~
 12 ~~who meets the additional criteria for registration by the~~
 13 ~~Commission on Dietetic Registration for the American Dietetic~~
 14 ~~Association may assume or use the title or designation~~
 15 ~~"Registered Dietitian" or "Registered Dietician", or use the~~
 16 ~~letters "R.D." or any words, letters, abbreviations, or~~
 17 ~~insignia indicating that the person is a registered~~
 18 ~~dietitian.~~

19 (b) ~~Only a person who is issued a license as a nutrition~~
 20 ~~counselor under the terms of this Act may use the letters~~
 21 ~~"L.N.C." or the words "licensed nutrition counselor" in~~
 22 ~~connection with his or her name.~~

23 (c) ~~A licensee shall include in every advertisement for~~
 24 ~~services regulated under this Act his or her title as it~~
 25 ~~appears on the license or the initials authorized under this~~
 26 ~~Act.~~

27 (Source: P.A. 91-310, eff. 1-1-00.)

28 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)
 29 (Section scheduled to be repealed on December 31, 2002)
 30 Sec. 95. Grounds for discipline.

31 (1) The Department may refuse to issue or renew, or may
 32 revoke, suspend, place on probation, reprimand, or take other
 33 disciplinary action as the Department may deem proper,

1 including fines not to exceed \$1000 for each violation, with
2 regard to any license or certificate for any one or
3 combination of the following causes:

4 (a) Material misstatement in furnishing information
5 to the Department.

6 (b) Violations of this Act or its rules.

7 (c) Conviction of any crime under the laws of the
8 United States or any state or territory thereof that is
9 (i) a felony; (ii) a misdemeanor, an essential element of
10 which is dishonesty; or (iii) a crime that is directly
11 related to the practice of the profession.

12 (d) Making any misrepresentation for the purpose of
13 obtaining licensure or violating any provision of this
14 Act.

15 (e) Professional incompetence or gross negligence.

16 (f) Malpractice.

17 (g) Aiding or assisting another person in violating
18 any provision of this Act or its rules.

19 (h) Failing to provide information within 60 days
20 in response to a written request made by the Department.

21 (i) Engaging in dishonorable, unethical or
22 unprofessional conduct of a character likely to deceive,
23 defraud, or harm the public.

24 (j) Habitual or excessive use or addiction to
25 alcohol, narcotics, stimulants, or any other chemical
26 agent or drug that results in the inability to practice
27 with reasonable judgment, skill, or safety.

28 (k) Discipline by another state, territory, or
29 country if at least one of the grounds for the discipline
30 is the same or substantially equivalent to those set
31 forth in this Act.

32 (l) Directly or indirectly giving to or receiving
33 from any person, firm, corporation, partnership, or
34 association any fee, commission, rebate, or other form of

1 compensation for any professional services not actually
2 or personally rendered.

3 (m) A finding by the Department that the licensee,
4 after having his or her license placed on probationary
5 status, has violated the terms of probation.

6 (n) Conviction by any court of competent
7 jurisdiction, either within or outside this State, of any
8 violation of any law governing the practice of dietetics
9 or nutrition counseling, if the Department determines,
10 after investigation, that the person has not been
11 sufficiently rehabilitated to warrant the public trust.

12 (o) A finding that licensure has been applied for
13 or obtained by fraudulent means.

14 (p) Practicing or attempting to practice under a
15 name other than the full name as shown on the license or
16 any other legally authorized name.

17 (q) Gross and willful overcharging for professional
18 services including filing statements for collection of
19 fees or monies for which services are not rendered.

20 (r) Failure to (i) file a return, (ii) pay the tax,
21 penalty or interest shown in a filed return, or (iii) pay
22 any final assessment of tax, penalty or interest, as
23 required by any tax Act administered by the Illinois
24 Department of Revenue, until the requirements of any such
25 tax Act are satisfied.

26 (s) Willfully failing to report an instance of
27 suspected child abuse or neglect as required by the
28 Abused and Neglected Child Reporting Act.

29 (2) In enforcing this Section, the Board, upon a showing
30 of a possible violation, may compel a licensee or applicant
31 to submit to a mental or physical examination, or both, as
32 required by and at the expense of the Department. The
33 examining physician shall be specifically designated by the
34 Board. The Board or the Department may order the examining

1 physician to present testimony concerning the mental or
2 physical examination of a licensee or applicant. No
3 information may be excluded by reason of any common law or
4 statutory privilege relating to communications between a
5 licensee or applicant and the examining physician. An
6 individual to be examined may have, at his or her own
7 expense, another physician of his or her choice present
8 during all aspects of the examination. Failure of an
9 individual to submit to a mental or physical examination,
10 when directed, is grounds for suspension of his or her
11 license. The license must remain suspended until the time
12 that the individual submits to the examination or the Board
13 finds, after notice and a hearing, that the refusal to submit
14 to the examination was with reasonable cause. If the Board
15 finds that an individual is unable to practice because of the
16 reasons set forth in this Section, the Board must require the
17 individual to submit to care, counseling, or treatment by a
18 physician approved by the Board, as a condition, term, or
19 restriction for continued, reinstated, or renewed licensure
20 to practice. In lieu of care, counseling, or treatment, the
21 Board may recommend that the Department file a complaint to
22 immediately suspend or revoke the license of the individual
23 or otherwise discipline him or her. Any individual whose
24 license was granted, continued, reinstated, or renewed
25 subject to conditions, terms, or restrictions, as provided
26 for in this Section, or any individual who was disciplined or
27 placed on supervision pursuant to this Section must be
28 referred to the Director for a determination as to whether
29 the individual shall have his or her license suspended
30 immediately, pending a hearing by the Board.

31 The Department shall deny any license or renewal under
32 this Act to any person who has defaulted on an educational
33 loan guaranteed by the Illinois Student Assistance
34 Commission; however, the Department may issue a license or

1 renewal if the person in default has established a
2 satisfactory repayment record as determined by the Illinois
3 Student Assistance Commission.

4 The determination by a circuit court that a registrant is
5 subject to involuntary admission or judicial admission as
6 provided in the Mental Health and Developmental Disabilities
7 Code operates as an automatic suspension. This suspension
8 will end only upon a finding by a court that the patient is
9 no longer subject to involuntary admission or judicial
10 admission, the issuance of an order so finding and
11 discharging the patient, and the recommendation of the Board
12 to the Director that the registrant be allowed to resume
13 practice.

14 (Source: P.A. 87-784; 87-1000.)

15 (225 ILCS 30/50 rep.)

16 (225 ILCS 30/60 rep.)

17 Section 90. The Dietetic and Nutrition Services Practice
18 Act is amended by repealing Sections 50 and 60.

19 Section 99. Effective date. This Section, Section 5,
20 and Sections 56 and 65 of the Dietetic and Nutrition Practice
21 Act take effect upon becoming law. All of the other
22 provisions take effect October 31, 2003."